

JAN 16 2007

REMARKS

The Office Action dated August 14, 2006 has been received and reviewed. This response, submitted along with a Petition for a Two Month Extension of Time is directed to that action.

Claims 1 and 6 have been amended, and claim 5 has been cancelled. Support for the amendment to claim 1 and 6 can be found in the specification on page 7, line 20-30, and in claim 5 as originally filed.

The applicants respectfully request reconsideration based on the foregoing amendments and following remarks.

Claim rejections – 35 USC §102

The Examiner made the following rejections under 35 USC §102: claims 1-3 as anticipated by Morganson (US 4,090,974); claims 1-4 as anticipated by Smith et al. (US 2003/0139310); claims 1-3, 5, 6 and 9 as anticipated by Weisensel (US 4,336,165); claims 6, 8, and 9 as anticipated by Fernholz et al (US 5,858,299); claims 1-3, 5, 6, and 9 as anticipated by Scialla et al (US 5,905,065); claims 1-3 as anticipated by Lawson et al (US 6,578,224); and claims 6, 8 and 9 as anticipated by Moore et al (US 2002/0082187).

In the present response, the applicants have amended claims 1 and 6, respectively, to incorporate all of the limitations of claim 5 in each claim. Therefore, the 35 U.S.C. §102(b) rejections over Morganson ('974), Smith et al. ('310 application), Fernholz et al. ('299), Lawson et al. ('224) and Moore et al. ('187 application) are obviated. The applicants respectfully traverse the remaining rejections over Weisensel ('165) and Scialla ('065).

A prima facie case of anticipation requires that a reference teach each and every limitation of the claimed invention, either explicitly or inherently. MPEP §2131. The applicants submit that the cited references do not teach all of the limitations of the present invention. The

Examiner stated that Weisensel teaches all of the limitations of the present claims including nonionic and cationic surfactants, which satisfy the surfactant and a super wetting agent. The present claims require that the super wetting agent is a silicone glycol polymer. Weisensel, however, never teaches or suggests that the presence of a silicon glycol polymer as a super wetting agent. Contrarily, Weisensel's teaches that the cationic surfactant is a quaternary ammonium compound (col. 4, lines 14-29) and that the nonionic surfactant includes alkyl ethoxylates, ethoxylated propoxylated alcohols, and alkyl aryl ethoxylates (col. 6 lines 1-26). Clearly, none of the surfactants of Weisensel is a silicone glycol polymer as in the present invention. Accordingly, the applicants submit that Weisensel does not teach all of the limitations of the present claims, and respectfully request that this rejection be withdrawn.

The Examiner also stated that Scialla teaches a mixture of amine oxide surfactants, and an anionic surfactant, which satisfies the limitations of the present claims. As in Weisensel, Scialla does not teach a silicone glycol polymer super wetting agent. Rather, Scialla teaches a amine oxide surfactants which can include polyamine polymers (col. 6, lines 26-64), which are decidedly different from silicon glycol polymers. Therefore, because Scialla does not teach all of the limitations of the present claims, a *prima facie* case of anticipation cannot be established and the applicants respectfully request that this rejection be withdrawn.

Claim Rejections- 35 U.S.C. §103(a)

The Examiner rejected claims 1-9 under 35 U.S.C. §103(a) as obvious over Smith et al. (US 2003/0139310). The Examiner acknowledged that Smith does not teach a combination of surfactant and super wetting agent as in the present claims. However, the Examiner stated that mixtures of surfactants are taught by Smith, and that it would have been obvious based on this teaching to combine a surfactant and super wetting agent as in the present invention. The applicants respectfully traverse this rejection.

A *prima facie* case of obviousness requires that there be some suggestion or motivation, either in the references themselves or in the knowledge of one of ordinary skill in the art, to modify the reference to achieve the present invention. MPEP §2143. The Examiner submits that the requisite motivation in Smith is found in the teaching of Smith that a mixture of surfactants

can be used in a carpet cleaning composition. However, Smith only generally mentions that mixtures of surfactants can be used, and certainly does not require a mixture in his invention. Even more important, Smith never suggests mixing a surfactant with a silicone glycol polymer super wetting agent as in the present claims. As such, the applicants submit that a person of ordinary skill in the art would certainly not be directed to the composition of the present invention after reading Smith. Furthermore, the present invention shows improved results over prior art compositions a Soil Removal Test (see results in Table on page 23 of present specification). Smith never suggests that a mixture of surfactants leads to improved results over a single surfactant composition, let alone the specific mixture of the present claims. Accordingly, the applicants submit that this is objective evidence of nonobviousness.

Based on the foregoing, a *prima facie* case of obviousness cannot be established because there is nothing in Smith that would motivate a person of ordinary skill in the art to achieve the present invention. Accordingly, the applicants respectfully request that this rejection be withdrawn.

The applicants believe the claims are now in condition for allowance and respectfully request such favorable action. If any issues remain, the resolution of which can be advance through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

JAN 16 2007

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time,
Applicant respectfully requests that this be considered a petition therefor. The Commissioner is
authorized to charge any fee(s) due in this connection to Deposit Account No. 14-126

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-
1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By Mr. Marin
Mark D. Marin
Attorney for Applicant
Reg. No. 50,842
875 Third Avenue, 18th Floor
New York, NY 10022
Tel. 212-808-0700